

ASSEMBLY BILL

No. 2288

Introduced by Assembly Member Torrico

February 21, 2008

An act to amend Sections 13195, 13195.5, 13196.5, 13197, 13197.5, and 13198 of, and to add Section 13197.1 to, the Health and Safety Code, relating to automatic fire extinguisher systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 2288, as introduced, Torrico. Automatic fire extinguisher systems: certificate of registration.

(1) Existing law requires the State Fire Marshal to adopt and administer the regulations and building standards he or she deems necessary in order to establish and control a program for servicing, testing, and maintaining all automatic fire extinguishing systems, including, but not limited to, fire sprinkler systems. These regulations and building standards are required to consider the requirements of the applicable standards of the National Fire Protection Association and specified voluntary standards published by the State Fire Marshal.

This bill would require the State Fire Marshal to expand these regulations and building standards to include the installation of automatic fire extinguishing systems, and would no longer require consideration of the voluntary standards.

(2) Existing law prohibits any person from engaging in the business of servicing or testing automatic fire extinguishing systems without a license issued by the State Fire Marshal, except as specified. Existing law requires the State Fire Marshal to adopt regulations to establish and maintain that license, including bases for denial or revocation, a schedule of fees for administration and enforcement, and the period for and

renewal of licensure. Existing law makes any violation of these provisions or any regulation or building standard of the State Fire Marshal a misdemeanor.

This bill would prohibit any person from engaging in the business of installing fire sprinklers or a fire sprinkler system without a certificate of registration issued by the State Fire Marshal, except as specified. The bill would require the State Fire Marshal to adopt regulations to establish and maintain that certificate of registration, including qualifications, continuing education, bases for denial or revocation, a schedule of fees for administration and enforcement, and the period for and renewal of the certificate of registration.

Because a violation of these requirements would be a misdemeanor, the bill would impose a state-mandated local program by changing the definition of a crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13195 of the Health and Safety Code is
2 amended to read:
3 13195. (a) The State Fire Marshal shall adopt and administer
4 the regulations and building standards he or she deems necessary
5 in order to ~~(1) establish:~~
6 (1) *Establish* and control a program for *installing*, servicing,
7 testing, and maintaining all automatic fire extinguishing systems,
8 including but not limited to, fire sprinkler systems, engineered and
9 preengineered fixed extinguishing systems, standpipe systems,
10 and water flow alarm devices ~~and (2) establish.~~
11 (2) *Establish* minimum frequencies of service, inspection, and
12 testing for the various types of automatic fire extinguishing
13 systems. ~~All~~
14 (b) *All* tests of automatic sprinkler systems shall include a test
15 of all supervisory signaling equipment that is provided to determine

1 whether a condition exists that will impair the satisfactory operation
2 of the system.

3 ~~The~~

4 (c) *The* regulations and building standards established by the
5 State Fire Marshal for *installing*, servicing, testing, and maintaining
6 automatic fire extinguishing systems shall consider the
7 requirements of the applicable standards of the National Fire
8 Protection Association ~~and the voluntary standards published by~~
9 ~~the State Fire Marshal entitled the “California Voluntary Standards~~
10 ~~for Residential Sprinkler Systems,” dated January 1982.~~

11 SEC. 2. Section 13195.5 of the Health and Safety Code is
12 amended to read:

13 13195.5. Every automatic fire extinguishing system, including,
14 but not limited to, fire sprinkler systems, engineered and
15 preengineered fixed extinguishing systems, standpipe systems,
16 and alarm and supervisory equipment attached to those systems
17 shall be *installed*, serviced, tested, and maintained in accordance
18 with the regulations and building standards adopted by the State
19 Fire Marshal pursuant to Section 13195.

20 SEC. 3. Section 13196.5 of the Health and Safety Code is
21 amended to read:

22 13196.5. (a) Except as provided in subdivisions (b), (c), and
23 (d), no person shall engage in the business of servicing or testing
24 automatic fire extinguishing systems without a license issued by
25 the State Fire Marshal pursuant to this chapter. *No person shall*
26 *engage in the business of installing fire sprinklers or a fire*
27 *sprinkler system without a certificate of registration issued by the*
28 *State Fire Marshal.*

29 (b) Persons who engage in the business of *installing*, servicing
30 or testing fire alarm devices, water flow alarm devices, or the
31 supervisory signaling components of automatic fire extinguishing
32 systems shall not be subject to the licensing *or certification*
33 requirements contained in this chapter.

34 (c) Industrial systems may be serviced or tested by, or under
35 the supervision of, an engineer employed by a private entity who
36 shall not be subject to the licensing requirements contained in this
37 chapter unless he or she performs the service or testing for a fee
38 outside of the employment relationship.

39 (d) Any specialty contractor, as defined in subdivision (b) of
40 Section 7058 of the Business and Professions Code, shall not be

1 subject to the licensing requirements *for the servicing and testing*
2 *of automatic fire extinguishing systems* contained in this chapter.

3 SEC. 4. Section 13197 of the Health and Safety Code is
4 amended to read:

5 13197. The State Fire Marshal shall adopt regulations to
6 establish and maintain the licensing ~~program~~ *and certificate of*
7 *registration programs* required by this chapter. To the extent the
8 State Fire Marshal determines is necessary to carry out the
9 provisions of this chapter, the regulations may provide for, but
10 need not be limited to, requirements that the applicant for a license
11 pass an examination or possess the qualifications necessary to
12 perform the prescribed *installation*, service, maintenance, and
13 testing, or both.

14 SEC. 5. Section 13197.1 is added to the Health and Safety
15 Code, to read:

16 13197.1. (a) A certificate of registration may be issued only
17 to an applicant who meets all of the following conditions:

18 (1) Passes a written examination given by the State Fire Marshal.

19 (2) Completes any state or federally approved fire sprinkler
20 fitter apprenticeship program.

21 (3) Complies with all other provisions of this chapter.

22 (b) Notwithstanding subdivision (a) of Section 13196.5,
23 commencing July 1, 2009, a person who does not possess a valid
24 certificate of registration may install fire sprinklers if he or she is
25 currently enrolled and attending any state or federally approved
26 fire sprinkler fitter apprenticeship program, and he or she is directly
27 supervised by a person with a valid certificate of registration.

28 (c) An applicant for a certificate of registration who can provide
29 evidence of at least 10,000 hours of accumulative experience as a
30 fire sprinkler fitter in any state on or after July 1, 1999, or who has
31 successfully completed any state or federally approved fire
32 sprinkler fitter apprenticeship program, or both, and who is in
33 compliance with all other provisions of this chapter, shall be issued
34 a certificate of registration.

35 (d) All persons holding a certificate of registration for the
36 installation of fire sprinklers shall complete a minimum of eight
37 hours annually of state or federally approved continuing education
38 for fire sprinkler fitters. Evidence of completion shall be submitted
39 to the State Fire Marshal with the application for renewal of the
40 certificate of registration. Up to eight hours of continuing education

1 earned in excess of the eight hours required during the year of the
2 current certificate of registration may be carried over into the
3 succeeding year. All applicants for renewal of a certificate of
4 registration shall complete the continuing education requirement
5 as a condition to establish eligibility for renewal. The continuing
6 education requirement does not apply until the conclusion of the
7 first full year after initial issuance of the certificate of registration.

8 SEC. 6. Section 13197.5 of the Health and Safety Code is
9 amended to read:

10 13197.5. A license *or certificate of registration* may be denied
11 or revoked by the State Fire Marshal for either of the following
12 reasons:

13 (a) The applicant made a material misrepresentation or false
14 statement in the application.

15 (b) Violation of any provision of this chapter or any regulation
16 adopted by the State Fire Marshal pursuant to this chapter.

17 SEC. 7. Section 13198 of the Health and Safety Code is
18 amended to read:

19 13198. (a) The State Fire Marshal shall adopt a schedule of
20 fees to be paid by licensees *or holders of certificates of registration*
21 in an amount—~~which~~ *that* is necessary to cover the cost of
22 administering and enforcing the provisions of this chapter by the
23 State Fire Marshal. Any city or county fire department, or any
24 district providing fire protection services may adopt a schedule of
25 fees as required to cover the cost of enforcing the provisions of
26 this chapter.

27 ~~The~~

28 (b) *The* annual and renewal license shall be valid for the period
29 from January 1, to December 31.

30 ~~The 31.~~ *The* annual license fee renewal period shall begin on
31 September 1 and end on November 1 preceding the license year
32 for which the renewal is requested. A penalty of 50 percent of the
33 license fee shall be assessed in all cases where the renewal fees
34 are not paid on or before November 1, preceding the license year
35 for which renewal is requested.

36 (c) *The annual and renewal certificate of registration shall be*
37 *valid for the period from July 1 to June 30. The annual certificate*
38 *of registration fee renewal period shall begin on March 1 and end*
39 *on May 1 preceding the year for which the renewal is requested.*
40 *A penalty of 50 percent of the certificate of registration fee shall*

1 *be assessed in all cases where the renewal fees are not paid on or*
2 *before May 1, preceding the year for which renewal is requested.*

3 *(d) All annual and renewal fees collected pursuant to this section*
4 *shall be deposited in the State Fire marshal Licensing and*
5 *Certification Fund, and shall be available upon appropriation by*
6 *the Legislature only for the purposes specified in Section 13195.*

7 SEC. 8. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.